

Friday, November 30, 2012.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Pledge of
allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Jeremy
Ham.

Resolutions (filed by Representatives Poirier of North Attleborough, Barrows of Mansfield and Kafka of Stoughton) congratulating Jeremy Ham on receiving the Eagle Scout Award of the Boy Scouts of America;

Nashoba
Valley
Chabad.

Resolutions (filed by Mr. Arciero of Westford) commencing the 2012 celebration of Chanukah by Chabad of Nashoba Valley; and

Dennis
William
Looney.

Resolutions (filed by Mr. Brady of Brockton) congratulating Dennis William Looney on his retirement from the Department of Developmental Service;

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Balser of Newton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

Revere,—
plaza.

The House Bill designating a certain area in the city of Revere as the Peter E. McCauley Memorial Plaza (House, No. 4456) (its title having been changed by the Senate committee on Bills in the Third Reading), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. The area between pavilions numbered 3 and 4, located on Revere Beach Boulevard near its intersection with Chester avenue in the city of Revere shall be designated and known as the Peter E. McCauley Memorial Plaza in honor of Revere historian Peter E. McCauley. The department of conservation and recreation shall erect and maintain a suitable marker on the clock located between the 2 pavilions bearing that designation in compliance with the standards of the department.

SECTION 2. Said pavilions numbered 3 and 4 shall be designated and known as the Peter E. McCauley Memorial Pavilions in his honor. The department of conservation and recreation shall erect and maintain suitable markers bearing that designation in compliance with the standards of the department.”.

Under suspension of Rule 35, on motion of Ms. Reinstein of Revere, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

The petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2458) of Thomas M. McGee, Steven M. Walsh and Robert F. Fennell for legislation to establish a sick leave bank for Donna DelCore, an employee of the Department of Developmental Services. Donna DelCore,—sick leave.

Petition (accompanied by bill, Senate, No. 2460) of John A. Hart, Jr., and Nick Collins for legislation to amend retirement beneficiaries of Dennis Mullen.—beneficiaries.

Petition (accompanied by bill, Senate, No. 2461) of John A. Hart, Jr., for legislation to establish a sick leave bank for Betty Garcia, an employee of the Department of Transitional Assistance. Betty Garcia,—sick leave.

Petition (accompanied by bill, Senate, No. 2459) Robert L. Hedlund, Ronald Mariano and James M. Murphy for legislation to establish a sick leave bank for Donald Mahoney, an employee of the Department of Correction. Donald Mahoney,—sick leave.

Severally to the committee on Public Service.

Petition (accompanied by bill, Senate, No. 2462) of John A. Hart, Jr., for legislation to allow veterans leave to attend VA medical appointments. To the committee on Veterans and Federal Affairs. Veterans,—medical appointments.

Reports of Committees.

By Mr. Kafka of Stoughton for the committee on Steering, Policy and Scheduling that the Senate Bill establishing a sick leave bank for James A. O'Connor, an employee of the Division of Professional Licensure (Senate, No. 2452, amended), be scheduled for consideration by the House. James A. O'Connor,—sick leave bank.

Under suspension of Rule 7A, on motion of Ms. Balser of Newton, the bill was read a second time forthwith; and it was ordered to a third reading.

Reports

Of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4308) of David M. Torrisi and Bruce E. Tarr (by vote of the town) for legislation to authorize the town of North Andover to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premise; and North Andover,—liquor license.

Of the same committee on, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4437) of Theodore C. Speliotis and Bradford Hill (by vote of the town) relative to authorizing the town of Topsfield to issue an additional license for the sale of bottled wine not to be drunk on the premises to Alfalfa Farm Winery; Topsfield,—liquor license.

Under suspension of the rules, in each instance, on a motion of Mr. Speliotis of Danvers, the reports were considered forthwith. Pending the question, in each instance, on acceptance of the report, the petitions were recommitted, on motions of the same member.

Cotuit
Fire
District.

Report of the committee on Public Service, ought NOT to pass (under Joint Rule 10), on the joint petition (accompanied by bill, House, No. 4485) of David T. Vieira and others relative to the elected officials of the Cotuit Fire District. Under suspension of the rules, on motion of Mr. Scibak of South Hadley, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on further motion of the same member.

Sudbury,—
selectmen.

By Mr. Michlewitz of Boston, for the committee on Election Laws, on House, No. 4471, a Bill amending Chapter 131 of the Acts of 1994 to increase board of selectmen membership in the town of Sudbury from three to five (House, No. 4528) [Local Approval Received].

Fitchburg,—
Bourque
bridge.

By Mr. Straus of Mattapoisett, for the committee on Transportation, on a recommitted petition, a Bill designating a certain bridge in the city of Fitchburg The George J. Bourque Memorial Bridge (House, No. 4458).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Boston and
Dedham,—
police
jurisdiction.

Mr. Binienda of Worcester, for the committee on Rules, on the Order relative to authorizing the committee on Public Safety and Homeland Security to make an investigation and study of certain House documents concerning matters relative to public safety (House, No. 4472), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3632) of Angelo M. Scaccia, Russell E. Holmes and Michael F. Rush relative to the authority of police officers of the city of Boston and the town of Dedham,— and recommending that the same be recommitted to the committee on Public Safety and Homeland Security. Under Rule 42, the report was considered forthwith; and it was accepted.

Mandated
reporter
definition,—
study.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on House, No. 3902, an Order relative to authorizing the committee on Children, Families and Persons with Disabilities to make an investigation and study of a certain House document concerning the mandated reporter definition (House, No. 4520).

DMH and
DDS
facilities,—
study.

By the same member, for the same committee, on House, No. 4181, an Order relative to authorizing the committee on Children, Families and Persons with Disabilities to make an investigation and study of a certain House document concerning monitoring DMH and DDS facilities issues (House, No. 4521).

Judiciary,—
study.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on House, Nos. 1745 and 4480, an Order relative to authorizing the committee on the Judiciary to make an investigation and study of certain House documents concerning judiciary issues (House, No. 4522).

Public
health,—
study.

By Mr. Sánchez of Boston, for the committee on Public Health, on House, No. 259, an Order relative to authorizing the committee on Public Health to make an investigation and study of a certain House document concerning public health issues (House, No. 4523).

Public
safety
issues,—
study.

By Mr. Naughton of Clinton, for the committee on Public Safety and Homeland Security, on House, Nos. 1554, 1566, 1568 and 2391, an Order relative to authorizing the committee on Public Safety and Homeland Security to make an investigation and study of certain House documents concerning public safety issues (House, No. 4529).

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on House, Nos. 821, 828, 1735, 1736, 1737, 1753, 2587, 3031, 3040, 3041, 3043 and 3209, an Order relative to authorizing the committee on State Administration and Regulatory Oversight to make an investigation and study of certain House documents concerning public records issues (House, No. 4524).

Public records issues,—study.

By Mr. Keenan of Salem, for the committee on Telecommunications, Utilities and Energy, on House, No. 4216, an Order relative to authorizing the committee on Telecommunications, Utilities and Energy to make an investigation and study of a certain House document concerning telecommunications issues (House, No. 4525).

Telecommunications,—study.

By Mr. Straus of Mattapoisett, for the committee on Transportation, on House, Nos. 1803, 2654, 3248 and 4011, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning transportation issues (House, No. 4526).

Transportation issues,—study

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Binienda of Worcester, for said committees, reported asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Engrossed Bills.

Engrossed bills

Designating 2 pavilions in the city of Revere as the Norman Gautreau Pavilions (see House, No. 4457); and

Bills enacted.

Validating the acts and proceedings at a special town election in the town of Templeton (see House, No. 4462);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The Senate Bill further regulating certain town meeting notices in the town of Belmont (Senate, No. 2223), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third reading bill.

House bills

Relative to the membership of the conservation commission of the town of Richmond (House, No. 3824);

Third reading bills.

Regulating the grant of sewer system connections by the board of sewer commissioners of the town of Kingston (House, No. 4310);

Designating a certain tax revenue in the town of Wareham (House, No. 4390); and

Relative to the Regional Wastewater District Enabling Act for the towns of Mansfield, Foxborough and Norton (House, No. 4487) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Third reading
bill amended.

The House Bill relative to the charter of the town of Chatham (House, No. 4473), was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by striking out section 10 (as published) and inserting in place thereof the following section:

“SECTION 12. Part VI of said charter is hereby amended by striking out section 5-2 and inserting in place thereof the following section:—

Section 5-2. Sunset Provision.

Annually, the board of selectmen shall consider the administrative and practical needs of all town boards, commissions and committees under their jurisdiction. During the course of such consideration the board of selectmen shall review whether each board, commission or committee has a defined purpose or functions or if there is another possible method of achieving the mission of the board, commission or committee. If board of selectmen determines that any board, commission or committee does not appear to serve a purpose or another method of achieving the board, commission or committee’s mission is desirable, the board of selectmen shall hold a public hearing and take any action deemed necessary.

All boards, committees or commissions shall annually on a date determined by the board of selectmen submit a report of activities, achievements and other information to the board of selectmen.”; and by striking out section 12 (as published) and inserting in place thereof the following section:

“SECTION 17. Part VI of said charter is hereby amended by striking out section 6-1 and inserting in place thereof the following section:—

Section 6-1. Budget Process.

At the onset of the annual budget process, the town manager shall meet with the board of selectmen, the school committee and the finance committee to discuss the upcoming operating and capital budgets.

Within a time fixed by bylaw prior to the annual meeting, the town manager shall submit to the board of selectmen and finance committee a proposed operating and capital budget for all town departments, including the operating and capital budgets as adopted by the school committee, for the ensuing fiscal year with an accompanying budget message and supporting documents.

The budget as adopted by the school committee shall be submitted to the town manager in sufficient time to enable the town manager to consider the effect of the school department’s requested appropriation on the total town budget which is required to be submitted under this section.

The budget message submitted by the town manager shall explain the budget in fiscal terms and in terms of work programs. It shall outline the proposed fiscal policies of the town for the ensuing fiscal year; describe important features of the proposed budget and indicate any major variations from the current budget, fiscal policies, expenditures and revenues together with reasons for change. The proposed budget shall provide a complete fiscal plan of all town funds and activities and shall be in the form the board of selectmen deems desirable.

Upon receipt of the town manager’s proposed operating budget, the board of selectmen shall announce the date on which they intend to act on the budget, but in no case earlier than 30 days after receipt.”. The report was accepted.

The amendments were adopted; and the bill (House, No. 4473, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill establishing a sick leave bank for Judith Rocha, an employee of the Department of Children and Families (House, No. 4512), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Judith
Rocha,—
sick leave
bank.

Pending the question on passing the bill to be engrossed, Mrs. Haddad of Somerset moved to amend it by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of children and families, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted; and the bill (House, No. 4512, amended) was passed to be engrossed. Sent to the Senate for concurrence.

At twenty-nine minutes after eleven o'clock A.M., on motion of Mr. Walsh of Boston (Mr. Donato of Medford being in the Chair), the House recessed until a quarter after twelve o'clock noon; and at twenty-four minutes after twelve o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

The House Bill promoting fairness in private construction contracts (House, No. 3158) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Private
construction
contracts.

Pending the question on passing the bill to be engrossed, Mr. Collins of Boston moved to amend it by adding the following section:

“SECTION 3. Chapter 239 of the acts of 2012 is hereby amended by striking out section 52 and inserting in place thereof the following section:—

SECTION 52. A person licensed pursuant to section 84 of chapter 146 of the General Laws and who submits satisfactory proof to the bureau of pipefitters, refrigeration technicians and sprinkler fitters that such person has been actively engaged in the process piping industry for a period of 4 years prior to the effective date of this act and who has applied for an addendum to his or her license within 1 year after the effective date of this act, shall not be required to pass a written, oral or practical examination and shall be issued said addendum to his or her master pipefitter's license upon payment of the applicable fee.

A person licensed pursuant to said section 84 of said chapter 146 and who submits satisfactory proof to the bureau of pipefitters, refrigeration technicians and sprinkler fitters that such person has been actively engaged in the process piping industry for a period of 3 years prior to the effective date of this act, shall not be required to pass a written, oral or practical examination and shall be issued an addendum to his or her journeyman's pipefitter's license upon payment of the applicable fee.

Private
construction
contracts.

The department of public safety shall promulgate regulations for said addendums provided pursuant to this section. Any proof required to be submitted under this section shall be accompanied by a statement that such information has been submitted under the pains and penalties of perjury.”; by inserting before the enacting clause the following emergency preamble:

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for certain construction contracts and addendums to pipefitter licenses, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”; and by striking out the title and inserting in place thereof the title: “An Act relative to private construction and providing for an addendum to a pipefitter’s license.”.

The amendments were adopted; and the bill (House, No. 3158, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Tuesday next at eleven o’clock A.M.

At twenty-six minutes after twelve o’clock noon, on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Tuesday at eleven o’clock A.M., in an Informal Session.